

W5YI REPORT

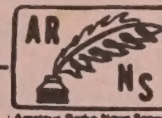
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Dits & Bits

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FCC Asks Congress For Ham Test Program Changes

The FCC has forwarded its "1986 wish list" to Congress. For the first time, there were a few amateur radio matters included. The document devotes three pages to suggested changes in the FCC's new amateur volunteer examination program. Most items in the 64-page document, however, had to do with broadcasting and common carrier matters.

The 1986 FCC Legislative Proposals also includes some issues that indirectly impact the Amateur Radio Service. We called the FCC's Ray Kowalski, Chief of the Special Services Division that oversees the personal radio services, to get his views.

"Don't be misled," Ray said. "The statute changes are our proposed Communications Act amendments. They are what we feel the law ought to be and not a final Commission pronouncement of the law." The package of legislative recommendations goes to the "hill" - as Congress is known. They have the option of supporting the FCC proposals in the form of legislation.

DELETE CONFLICT-OF-INTEREST TERMS....

The FCC has requested that Section 154(f)(4)(B) concerning the amateur radio operator conflict-of-interest provisions be deleted. "It is unclear what the exact nature was of the abuses that these conflict-of-

interest provisions sought to curb," the legislative proposal reads. "Although competing publishers of amateur examination materials may have feared the evolution of a dominant examiner-publisher" such is not the case and many publishers have "prepackaged examination booklets for each examination element."

The FCC said that conflicts of interest are limited in that all test questions are available to prospective license applicants and that the various VEC's construct their tests from and assist the FCC in the preparation of these questions. Suggested also is the removal of the so-called "Chinese wall" that kept a publishing arm from knowing the questions on a particular examination. "With the advent of multiple examinations and various examination packages, the wall becomes unnecessary," the proposal reads.

"The FCC has always had the power through its statutory mandate to preserve the integrity of its amateur examinations. Policies to avoid testing by relatives or those in an employment relationship with the applicant were adopted long before the advent of this legislation. Under the new volunteer examiner system, each VEC signs an agreement with the FCC to abide by the amateur rules. The FCC may choose to terminate use of the voluntary assistance of any VEC which compromises the integrity of the examination process. The FCC constantly monitors the pass-

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fail rates of each VEC in each region in an effort to identify any possible compromise of the examination process. Any breach of examination integrity can be dealt with on a case-by-case basis outside the scope of statutory conflict-of-interest provisions. Therefore, we recommend deleting the conflicts provisions in their entirety," the FCC's Private Radio Bureau writes.

Kowalski said, "Basically what this says is that in light of the large number of test questions/answers that are out there, 'Why do we need a Chinese Wall when the only practical effect of this is to have the persons in the VEC organizations who make up the tests not be able to communicate with those who make up test preparation materials?' The purpose of the Chinese wall was to prevent unfair marketing of license preparation materials that gave a specific VEC's test answers 'that is guaranteed to cover the next exam because we know what is on it.'"

"Our theory is that there are so many variables out there now that the publisher of preparation materials could not tailor materials to a specific examination. There is no way for publishers to know what is on a specific test until it is made up. We don't need the Chinese wall any more," Ray said. "The Chinese wall was our answer to the conflict-of-interest provisions in the law. We are saying, change those conflict-of-interest provisions because they really don't apply in view of the way the program has developed."

VE/VEC CERTIFICATION, RECORDKEEPING

The FCC would also like an amendment that would substantially abolish the existing certification and recordkeeping requirements for reimbursable volunteer examination expenses. The law currently requires that VE's and VEC's annually certify to the FCC that these expenses have been necessarily and prudently incurred.

"This is an unnecessary paperwork burden upon the examiners and coordinators and an unnecessary administrative burden upon the FCC," the proposal reads. "It is sufficient to require that these reimbursable expenses be out-of-pocket and not exceed \$4.00 - adjusted

annually."

By way of further explanation, Kowalski said, "Several VE's and VEC's have said that these requirements are burdensome and they are not serving the purpose intended so let's get rid of them. When we started the program we were being very cautious as to how to control the costs and the like. The usual cost control method is a reporting system. But there are things we can do that are less than a reporting requirement. We can still require that costs to be allocated against expenses but only look into it if there is a complaint. Why require 99.9% of everyone who is doing things right to keep these forms, records and reporting requirements when they are not a problem?"

"You must still confine your expenses to out of pocket expenses and still stay within - or at - the prescribed maximum test ceiling. What we are doing is saying we are not going to tell you how to make sure that happens. If that means you are still going to have to keep some kind of records... well, that is up to you," Ray said.

The other amateur radio proposal was a wording change. Even though the enabling legislation clearly provided for preparation and administration of amateur radio operator examinations by volunteers, apparently the Communications Act only mentions "preparing" and not the "administering" of these tests. A suggested amendment to §Section 154(f)(4)(A) would correct this oversight.

WILLFUL OR MALICIOUS INTERFERENCE....

In the same document, the FCC's Field Operations Bureau has recommended that Congress enact a law that simply declares, "No person shall willfully or maliciously interfere with or cause interference to any radio communication."

This amendment is identical to S.66 introduced by Senator Barry Goldwater, K7UGA, on January 3, 1985, and similar to H.R.2479 proposed by Representative Bates on May 14, 1985.

The FCC said that during the past

WOULD YOU LIKE TO BECOME A VOLUNTEER EXAMINER?
under "The W5YI Report" Program? If so please send a copy

"I am a currently licensed Extra Class amateur radio operator and wish to be a volunteer examiner. I have never had my station or

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several years there has been a substantial increase in willful and malicious interference to radio communications in various radio services, particularly the Amateur, maritime and Citizens Band Radio Services.

"Intentional jamming, deliberate transmissions on top of the transmissions of authorized operators already using specific frequencies in order to obstruct their communications, repeated interruptions, and the use and transmission of whistles, tapes, records, or other types of noisemaking devices to interfere with the communications of radio signals of other stations have seriously frustrated the operations of many Commission licensees."

"As a result of limited Commission field investigative resources, local groups of radio users have attempted, in some cases, to retaliate against the offenders by causing interference to their communications."

"Lacking any general statutory prohibition in the Communications Act against willful or malicious interference, the Commission is forced to rely upon the more limited licensed operator provision in the Act concerning interference and the rules and regulations prohibiting such interference in the various services. These provisions authorize the Commission to suspend and revoke licenses in serious cases and to issue administrative monetary forfeitures in less serious instances."

The FCC said "the length and complexity of these administrative proceedings and sanctions have not always provided an adequate and timely remedy for immediately ending specific instances of serious, malicious interference or stemming the overall increase of willful interference."

While the maximum fine was increased to \$1,000 a day under the Sentencing Reform Act of 1984, "due to the penalty weaknesses of Section 502, it is virtually impossible to convince U.S. Attorneys to expend their limited resources in pursuing such a prosecution."

The requested amendment would substantially assist the Commission and its licensees by curtailing willful and malicious

interference by clearly making such activity a criminal offense in violation of Section 501 the Communications Act which provides for a fine of up to \$10,000 and/or imprisonment up to one year for a first offense (a misdemeanor) and the same fine and up to two years imprisonment for repeated offenses (a felony.)

The amendment would also allow seizure of the offending radio equipment by U.S. marshalls armed with a search warrant. The FCC could thus dispense with the necessity of first completing lengthy, complex and costly administrative proceedings.

INCREASE FINES, FACILITATE COLLECTION

Still more recommended legislation comes from the FCC's Office of the General Counsel and has to do with the collection of monetary forfeitures - fines levied by the Commission.

New needed laws would permit the FCC to conduct its own litigation to collect forfeitures and would increase the maximum permissible fine to \$1,000,000. Current limits are \$2,000 per violation; a \$20,000 aggregate limit for broadcasters, common carriers and cable operators ...a \$5,000 total limit for all others - including the Amateur Radio Service.

The FCC said they had no dependable method of collecting monetary forfeitures for cases in which the licensee simply refuses to pay. The present practice requires their General Counsel referring collection to the U.S. Attorney. The Department of Justice has been reluctant, however, to expend its own limited funds to collect FCC fines. "Authority for the Commission to go directly to Federal Court would make collection more efficient," the Commission argued.

The FCC Legislative Proposals package was prepared by the Commission's Office of Legislative and Public Affairs. They are essentially an effort to get out the FCC's proposals to Capitol Hill. It remains to be seen if Congress takes any action on them. Some of the proposals have been made before ...many as far back as five years ago!

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OTHER ISSUES UNDER FCC CONSIDERATION

Since I had Ray Kowalski on the phone, I queried him on what we could expect in the way of upcoming amateur radio rulemaking that we would be seeing soon.

"I expect something public on the subject of Novice Enhancement sometime in April," he said. "I am very much hoping that I will either have news or a job to explain something at Dayton [HamVention.] Ray said that he couldn't discuss the issue further at this point since the Commissioners have not yet taken action on the matter "and it gets in the area of what the staff has recommended to the Commission."

"The only other thing that might be ready in time for Dayton would be the "Repeater Coordination" matter. It is in the same category as Novice Enhancement. I hope that I will either announcing or explaining something on both issues there." [By the way, W5YI will be in Booth #475 at Dayton if you want to stop by and say hello!]

PACKET THIRD PARTY TRAFFIC WAIVER....

The FCC has approved the ARRL's request for a waiver of the third-party traffic rules as applies to packet radio transmissions above 50-MHz. The League - and about 20 others - had previously filed Petitions for Reconsideration of an FCC Report and Order (Docket 85-105.) That rulemaking permitted amateur stations operating above 50-MHz in a packet radio network under automatic control to retransmit third-party traffic only under the supervision of a control operator.

The effect of the order would have been to shut down all packet radio communications completely since human operators can't effectively monitor packet radio communications in real time due to its speed of transmission.

On February 28th, the League followed up by filing a Petition for Extraordinary Relief seeking a stay of the order until the Petitions for Reconsideration could be further considered. The Commission responded to the ARRL's request on March 14th by granting a

"Waiver of Sections 97.114(b)(4) of the Amateur Rules to Permit the Retransmission of Third-Party Traffic in Certain Situations."

The Commission said the prohibition against unsupervised third-party traffic has served to ensure that amateur facilities and frequencies are not used by non-amateurs. "Only a person who has demonstrated the proper qualifications may be a control operator of an amateur station. Such control operators screen any third-party traffic to prevent transmissions which are prohibited ...by the rules."

"These prohibitions include, but are not limited to, business communications, secret messages, radiocommunications for unlawful purposes and radiocommunication with nations which have not assented to third-party traffic. Self-policing has long been a cornerstone in the integrity of the amateur service. The presence of the responsible licensed control operator at each station has been a vital element in the amateur self-policing tradition."

The ARRL argued that this safeguard is neither practical nor effective in the context of packet radio technology and that the development of the packet radio network would be severely hampered if the Order was not amended. The League asked for a waiver of the rules for packet radio digital communications using, or compatible with their AX.25 protocol. The waiver requested by the ARRL only relates to the retransmission of messages already properly screened; a control operator will still be required at every amateur station introducing messages into a packet radio system.

The FCC said, "In view of the above, we believe that a temporary waiver is in order until the Commission has evaluated the arguments presented in the subject petitions for reconsideration and issued a ruling on them."

"Packet radio in the Amateur Service is in the developmental stages. Although interest in this area is intense and growing, there are still only about 14,000 stations, or about 3% of those licensed, equipped for packet radio operation. Thus the risks of abuse are

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minimized by the small scope of packet operation which will be obtained during the period of this waiver. In the interim, more experience can be gained with automatic control of stations retransmitting with the AX.25 protocol."

The FCC granted the waiver under the following circumstances:

(a.) The provisions of Sections §97.80(b) and §97.114(b)(4) are waived to permit amateur stations, retransmitting digital packet radio communications (see §97.69) on frequencies 50-MHz and above, using the AX.25 (or compatible) protocol, to be operated under automatic control while retransmitting third party traffic. (See §97.3(v))

(b.) The waiver applies only to the retransmission of third-party traffic originated at another amateur station which is under local control or remote control. (See §97.3(m))

(c.) When an amateur station is operated under automatic control, devices must be installed and procedures must be implemented which will ensure compliance with the rules when the control operator is not present at the control point of the amateur station. (§97.80(a))

(d.) This waiver will remain in effect until the Commission takes final action on the petitions for reconsideration filed in PR Docket 85-105. (Action is not expected until late summer.)

The FCC also cautioned that "Control operators of amateur stations capable of monitoring AX.25 packet transmissions must be alert to the increased dependency upon them for monitoring during the period of this waiver. We call upon them to immediately make known to the responsible control operator of a station retransmitting communications under automatic control any misuse of the station so that the control operator can take prompt corrective action."

(FCC Order issued 3/14/86, by Chief, PRB.)

¶ The RSGB advises that a new VHF 6-meter ham band is now available to all "Class A" licensees of the United Kingdom effective February 1, 1986. The band extends from 50.00 to 50.500 MHz. VHF no-coders are not authorized in the newly allocated spectrum.

FEBRUARY VE PROGRAM STATISTICS....

	February	1985	1986
No. VEC's:		*53	*76
No. Testing Sessions:		168	282
No. Elements Administered:		3,428	4,451
1986 ARRL -	53.5%		
W5YI -	15.1%		
CAVEC -	5.6%		
DeVry -	4.2%		
WCAR -	3.5%		
All Others -	18.1%		
Year-to-Date Elements Adm.:	8,718		8,662
No. of Applicants Tested:	2,053		3,025
1986 ARRL -	51.7%		
W5YI -	16.1%		
CAVEC -	5.4%		
DeVRY -	4.3%		
WCAR -	3.8%		
All Others -	19.7%		
Year-to-Date Appl. Tested:	5,717		5,970
Pass/Upgrade Rate, All:	56.30%		61.69%
Pass/Upgrade Rate, W5YI:	62.37%		64.06%
Persons Per Session	12.22		10.73
Persons Per Session, W5YI:	16.9		9.6
No. Elements Per Person:	1.67		1.47
No. Sessions Per VEC:	3.17		3.71

* = The FCC considers ARRL, W5YI, DeVry and Metroplex to be 13 VEC's each since VEC's are appointed on a Regional Basis.

[Source: FCC, Washington, D.C. 20554]

FEBRUARY AMATEUR LICENSING STATS....

	February	1985	1986
New First Time Amateurs:	1,242		1,889
Novice Class Upgrading:	747		1,078
Technician Class Upgrading:	357		342
General Class Upgrading:	224		414
Advanced Class Upgrading:	126		248
Total Amateurs Upgrading:	1,454		2,082
Total Amateurs Renewing:	3,647		4,773
Amateurs Failing to Renew:	554		1,603
Change in Amateur Census:	+688		+1,586
Month End Amat. Census:	410,850		418,201
Club/Military/RACES:	2,876		2,731
Total Active Stations:	413,726		420,932
Increase in Amateur Census:			1.74%

Amateur Licenses Processed by FCC:

Feb.	1982	1983	1984	1985	1986
Total	7,480	13,743	10,979	10,080	13,480

[Source: FCC Licensing Branch/Gettysburg.]

¶ Dish Dealers are suffering from "S.P." (scrambling paranoia) They are going out of business in droves! Sales of home satellite systems nose-dived in January and the loss deepens. Business is now off some 50% to 80% Super system buys are to be found everywhere as dealers liquidate inventory The public is confused as to what is really going on. The press and broadcast media are adding fuel to the fire sale. Potential buyers fear that satellite programming will cost them plenty - more than if they paid for cable.

¶ Descrambling hardware is in short supply (or unavailable) - at least that is what the media is leading the public to believe. End result? Hardly anybody's buying! Those that are, are buying at bargain basement prices. The home dish market is in absolute chaos. Dealers are panicing! The backyard dish boom appears over! We also understand that some "black box" marketers are offering illegal decoders circumventing scrambling techniques.

¶ While on the subject of service theft, part of the problem of illegal cable TV hook-ups must be borne by the cable industry themselves. They simply make undetected hookup too easy. A 1983 National Cable Television Association study placed industry theft loss at \$897 million. They estimated 6.75 million illegal users or one user in eight! Today it is even higher. Some cable operators claim 40% - 50% illegals! Cable systems using addressable technology have the capability to tell the cable firm if a paying subscriber is on the other end. More cable systems should use it.

¶ More than 200 television stations in the U.S. are broadcasting in stereo and an estimated 2.8 million stereo TV sets (out of a 17 million set total market) are expected to be sold this year. Many cable companies also offer stereo sound but this is usually simulcast - a combination of FM radio and TV sound. The new stereo TV audio is called MTS - multichannel television sound - and both audio channels are broadcast by the TV station with the signal - not simulcast. MTS was picked from a group of competing systems as an industry standard. You can buy a stereo TV set - or a low-cost stereo sound receiver for use with your present TV and get stereo through separate speakers.

¶ Cellular mobile telephones are now standard equipment in Rolls-Royce! Invisibly housed in a front seat armrest is Motorola's 6000X top-of-the-line model which stores 99 numbers. Also outfitted in the '86 Corniche II Rolls Royce are heated door mirrors and a cocktail bar in the doors. Cost: \$198,000.

¶ A front page article in the March 10th issue of "InfoWorld" says IBM is Expected to Release Three PC's by the end of April! (PC laptop, a PC-XT replacement that includes a 20 mb hard disk, and an enhanced PC-AT (also with 20 mb hard disk) using an Intel 80286 chip running at 8 MHz. IBM declined comment.

¶ Microsoft's founder, Bill Gates, went public last week. The 3.1 million available shares opened at \$21.00 and rose to \$28.00. Some buyers got the stock at 9 a.m. and realized a 40% profit by selling at noon! Gates (still only 30 years old) retained \$236 million (49.2%) of the issue. Microsoft, of course, is the Bellvue, Washington, software developer - famous for its personal computer operating systems.

¶ The Federal Register, the daily journal of what the U.S. government is up to, will contain less information about FCC rule-making in the future. Effective March 4th, the FCC will be publishing summaries of Notices of Proposed Rulemaking and various rulemaking documents. The previous practice was to publish the entire text of all NPRMs, rulemaking decisions and policy statements. "Budgetary constraints and rising cost of Federal Register publication" is given as the reason for the change. Full texts will still be available for purchase from the FCC's duplicating contractors.

¶ The next North American Teleconference Radio Net (NTRN) will feature a program on May 1, 1986, (8:00 CDST) by Ed Bellamy and Bill Paulin of Lightning Elimination Associates, Santa Fe Springs, CA. They will speak on Lightning, Protection and Prevention - particularly lightning strikes and power line surges. In addition, Charlie Kosman, WB2NQV, will discuss the upcoming "Hands Across America" The security and safety of some six million people holding hands across the United

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States will be coordinated by Amateur Radio. Some 4,300 amateur radio operators are needed for the effort!

¶ Kip Edwards, W6SZN, of Belmont, California, says he is going back to Clipperton! On April 25, 1986, five operators will once again board the Royal Polaris in San Diego for the trip to Clipperton - a remote French island in the South Pacific. Accompanying him for the 1986 Clipperton Island DXpedition will be W6OAT, W6RGG, N7NG and AI6V. The operators will stay on the island for five or six days and plan to have two stations operating 24 hours a day. The primary purpose of the expedition is to work those areas of the world (Europe, USSR, Middle East and Africa) that had difficulty making a contact with last year's expedition. Due to the efforts of the Clipperton DX Club, the license and landing permission from last year have been renewed. The call sign will again be FO0XX.

¶ The March 3rd issue of "Electronics" magazine has an interesting story on what it calls "Flak for a Dial Up Walkie Talkie" - about the FCC's new proposal for the spectrum now used by the General Mobile Radio Service. The article details the FCC's drive to make more efficient use of the spectrum with an unlicensed personal transceiver service "providing two-way voice communication between users a short distance apart - say within a football stadium..." GMRS users, however, contend that their service will be destroyed at a cost of millions of dollars already invested in radio equipment. While GMRS users had filed a petition to effect a transition to more efficient spectrum technologies, it wasn't to allow millions of people to use the spectrum for hand held chit-chat.

¶ More details are filtering down from Canada on their new amateur testing and license fee schedule. The new program takes effect: April 1, 1986. The revised schedule provides for a \$5.00 fee per examination section and a new "license issuance charge." The prorated license fee schedule varies from \$26.00 for a new license (not a renewal) issued in April 1986 down to \$8.00 if issued in March 1987. The \$5.00 test fee is for each part of an amateur radio examination. An

amateur candidate administered the required (1.) code receiving, (2.) code sending, (3.) written theory and (4.) regulations examinations who passes, pays a total fee of \$46.00. (\$26.00 for the license if issued in April, plus \$20.00 for the four test portions!) Test fees are still collected if the exams are failed and you pay again when retaken.

¶ Amateur volunteer testing comes to the United Kingdom! Effective April 1, 1986, the Radio Society of Great Britain (RSGB) has been appointed by the DTI (Department of Trade and Industry - Great Britain's FCC) to take over amateur radio operator Morse code testing. Ham code tests will be given at seventy RSGB testing centers every other month.

¶ IARU Bulletin #132 - "In recognition of the growing popularity of packet radio, the Administrative Council (IARU) suggests that for the time being HF packet activity be confined to the RTTY segments and/or the designation of specific packet radio frequencies in their band plans. The International Secretariat was asked to undertake a study of the regulations governing Amateur Radio to determine how they limit or facilitate the development of a worldwide packet radio network, and to offer recommendations as to how such regulatory problems as may exist can be overcome."

¶ The ARRL has revised the date that they will begin using the new Advanced Class Question Pool to June 1st. Originally the League was going to implement the new version on July 1st. The FCC released the new Element 4A questions in January. The changes were minimal - mostly minor wording changes. The FCC requires that new tests be implemented within a six month period after release. While subject to change, W5YI-VEC plans are still to implement the new Advanced tests on July 1st. This allows license preparation material still in circulation to be used an additional 30 days.

¶ The ARRL has increased the cover price of their excellent "FCC Rule Book" from \$3.00 to \$4.00. Their new 1986 version containing updated Part 97 rules and other information has just been released. Available now from: W5YI, P.O. Box #10101, Dallas, TX 75207 - \$4.00 plus \$1.50 first class postage.

FCC-Extra Cl. Study Guide \$5.00 + \$1.50 postage
FCC \$Part 97 Rules Book \$4.00 + \$1.50 postage
license preparation materials as a convenience to
applicants and VE's. All materials contain all ques-
tions, answers and discussion why answer is right!
FAST SERVICE!
SHIPPED FIRST
CLASS SAME DAY!

¶ Glenn A. Baxter, K1MAN, of Belgrade Lakes, Maine, sent his appeal on amateur power levels to the U.S. Supreme Court on March 11th. The professionally completed submission weighed over a pound! He asks the court to determine if the FCC violated his first, fifth and fourteenth amendment rights by changing the amateur radio power levels from an input to an output scheme. He says AM power levels were unfairly cut in half when the FCC adopted the 1500 watt PEP output level. Baxter's appeal to the U.S. Supreme Court was made possible when the U.S. Court of Appeals for the District of Columbia Circuit denied his petition last fall. That court said that only 1% of the nation's 400,000 amateurs are affected and that the power reduction is insignificant. Baxter says that there were several lower court errors. It remains to be seen if the Supreme Court will hear the case.

¶ Over 13,000 attended the National Cable Television Association's (NCTA) 35th annual convention held here in Dallas last week. Major topics included satellite signal scrambling, cable rate deregulation and PPV, pay-per-view. FCC Chairman Mark Fowler and Commissioners Dawson, Patrick also here.

¶ House Subcommittee held satellite signal scrambling hearing on March 6th. At issue was the public's right to TV programming at competitive prices and the TV programmers right to be compensated. Another hearing is planned for next month. MA/Com said there was no descrambler shortage. ...250,000 units are being manufactured for the demand.

¶ Richard B. Cooper, LL.D, Ph.D, M.S. and his questionable Communications Attorney Service still at it! He has a typeset brochure (complete with his photo on it) asking \$25. annually as "protection against disaster". Cooper says he represents 60 million private radio operators who are crowded on to 40 channels and are entitled to and must be given the ham bands. He claims to have "international bank funds of over \$90 million" with international offices in Ensenada, Mexico. "Hams wo (sic) are members of the ARRL, readers of 73 or QST magazines are not eligible." A Power of Attorney form is included with the brochure.

¶ President Reagan nominated Patricia Diaz Dennis to become the fifth FCC Commissioner filling the seat vacated when Henry Rivera resigned last fall. Look for FCC Commissioner terms to be reduced to five years.

¶ Still waiting for a ruling on the Canadian "Appliance Interference" suit. Meanwhile Jack/VE3SR is still off the air. Alleged is that his neighbor's microwave oven, television, organ and furnace are interfered with. Jack's legal expenses stand at nearly \$16,000. The plaintiff seeks \$35,000 in damages and a permanent injunction against his ham radio transmissions. VE3SR's attorney recently filed 67 summary pages with the court.

TESTING THE HANDICAPPED AMATEUR

New updated VEC instructions (dated March 21st) concerning testing handicapped amateur candidates advises the following:

- (1.) "The FCC does not entertain waiver requests to dispense with, or lower, any operator qualification requirement. Neither VE's nor VEC's have the authority to grant any waiver of the Commission's Rules.
- (2.) The disabled person's handicap must be taken into consideration when selecting questions to be administered. No qualified person should fail an examination solely because of a handicap.
- (3.) VE's must make specific efforts to assist handicap candidates. They must take into account the particular physical disability a person may have by permitting that person to demonstrate the requisite qualifications in ways that accommodate the disability.
- (4.) Where a candidates physical disabilities require special procedures, such as the use of a transcriber or reader who is not one of the administering VE's, a statement must be attached to the application (see §97.26(g)). The VEC must remove the statement and place it in his record system. VE's must not make such special provisions unless the nature of the disability is obvious — such as missing hands — or unless a physician's certificate indicating the nature of the disability is provided, and only where the special provision is appropriate."

Another new section involves HANDLING OF LOST APPLICATIONS (FCC Form 610's):

"Should an application become lost, it will be necessary for the applicant to fill out another Form 610. If the application is lost before it reaches the VEC, the applicant may present the application to the VE's who originally administered the examination. The VE's must forward the application to the VEC in the usual manner. If the application is lost after it reaches the VEC, the applicant must present the application to the VEC who coordinated the examination session. The VEC must forward the application to the General Radio Branch (Gettysburg, PA) with a letter containing the following information:

- (1.) The name of the VEC;
- (2.) The location of the examination session;
- (3.) Examination session date;
- (4.) The examination elements passed;
- (5.) The operator class for which the applicant qualified.

If an application mailed by a VEC to the FCC is not received by the FCC within 90 days, it will be considered lost."

CB LINEARS TARGETED FOR CRACKDOWN

On March 6th, Richard M. Smith, Chief of the FCC's Field Operations Bureau, announced a major crackdown on the sale and use of illegal linear amplifiers used to boost Citizens Band transmitter power. Smith said an FCC conducted study last summer found that the majority of the CB interference to home electronic entertainment equipment (HEEE) involved overpower CB stations ...91% of those involved linear amplifiers.

All FOB offices will take an active interest in locating and closing down stations using linear amplifiers and other illegal transmitters. Field personnel will attempt to determine the source of any linears found during the inspections in order to locate major manufacturers and distributors. These violators will be targeted for administrative sanctions (fines) and criminal prosecution, if necessary. A related activity will be rigorous enforcement of FCC regulations upon unscrupulous dealers and service technicians who modify or repair modified equipment.

Smith asked that anyone having any information concerning the illegal manufacture, marketing or use of CB linear amplifiers is encouraged to telephone the nearest FCC Field Office. He enclosed the following list of telephone numbers:

(FCC Field Offices)

Anchorage, Alaska	(910) 243-2153
San Diego, California	(619) 293-5478
Long Beach, California	(213) 426-7886
San Francisco, California	(415) 556-7702
Denver, Colorado	(303) 236-8026
Miami, Florida	(305) 350-5542
Tampa, Florida	(813) 228-2872
Atlanta, Georgia	(404) 347-3084
Honolulu, Hawaii	(808) 677-3318
Chicago, Illinois	(312) 353-0196
New Orleans, Louisiana	(504) 736-9420
Baltimore, Maryland	(301) 962-2728
Boston, Massachusetts	(617) 223-6609
Detroit, Michigan	(313) 226-6078
St. Paul, Minnesota	(612) 725-7810
Kansas City, Missouri	(816) 926-5111
Grand Island, Nebraska	(308) 382-4296
Buffalo, New York	(716) 856-5950
New York, New York	(212) 620-3437
Portland, Oregon	(503) 221-4114
Philadelphia, Penna.	(215) 752-1324
San Juan, Puerto Rico	(809) 753-4567
Dallas, Texas	(214) 767-5690
Houston, Texas	(713) 229-2748
Norfolk, Virginia	(804) 441-6472
Seattle, Washington	(206) 764-3324

(FCC Monitoring Stations)

Douglas, Arizona	(602) 364-8414
Livermore, California	(415) 447-3614
Ft. Lauderdale, Florida	(305) 473-9845
Powder Springs, Georgia	(404) 943-5420
Belfast, Maine	(207) 336-4066
Laurel, Maryland	(301) 725-3474
Allegan, Michigan	(616) 673-3055
Grand Island, Nebraska	(308) 382-4296
Sabana Seca, Puerto Rico	(809) 784-3772
Kingsville, Texas	(512) 592-2531
Ferndale, Washington	(206) 354-4892

MORE ON LEGALITY OF HAM SWAP NETS...

The recent Florida net bust (as it is now being referred to) was actually brought on by a couple of written complaints from amateurs received by the Fort Lauderdale FCC monitoring station. Some twenty participants of the 3985 kHz. Florida Trader's Net

got Notices of Violation.

I spoke to their Engineer-in-Charge, Robert C. McKinney, this past week about the citations. "We actually don't do much routine amateur enforcement," he said, "because the bands are so well self-policed, but when you get a written complaint, it puts it in a different category. The complaints said that the net's participants 'were quoting prices' and at times, 'negotiating'. This prompted us to start the monitoring."

The rules (§Part 97.3[b], 97.110, 97.112.) clearly prohibit communication for material compensation, yet over-the-air private equipment trading is as old as amateur radio itself. I asked McKinney where the dividing line was. When does a swap net become pecuniary?

"Several years ago, swap nets weren't even authorized," McKinney said. "As time has gone on, things have loosened up. One thing has never changed, however. You are not allowed to discuss prices. You can say you have something for sale and ask those interested to call you. ...when you start giving prices over the air, you get into a different category."

"We proceeded only from the standpoint that they were giving prices. At this point we don't intend to go back [to monitoring the net,] but there is also a problem with individuals that advertise a quantity of goods every single week." McKinney said that a quantity of equipment being offered every week puts the communication in the "business" category "...since he is pretty much like a dealer. We are not pursuing that at this time, however."

When questioned if the Fort Lauderdale FCC's understanding of swap nets was uniform throughout the Commission, McKinney said, "[Our handling of this matter] has been the policy at this office for years, but after we issued the violation notices, we did find that other offices do have different interpretations. We checked with the Private Radio Bureau, however, and they affirm that there should be no discussion of prices. I believe you will see some sort of nationwide policy so that we are all interpreting the rules alike."

I asked Ray Kowalski about this when I had him on the phone last week. "The Commission has not started a crack down on swap nets. The word didn't go out from Washington to clean them up. This was a case of a local engineer-in-charge responding to a situation in his area as best he believed he should."

"There is no specific amateur radio rule that says an amateur swap net may not discuss 'price' over the air. Given this premise, you must interpret the other amateur rules in this area. ...Over the years, the Commission has worked with the ARRL on this. Their Rule Book has a section in there about swap nets which derives from what the Commission has OK'ed for them to publish on the subject. In it is says, 'It is best not to discuss price. It doesn't say you may not and acknowledges that it is a fuzzy area. No one knows what the exact interpretation is. You are pretty safe if you don't discuss 'price,' because there are rules that say ham radio is non-pecuniary. ...Strict interpretation is 'no money.'"

"We are not announcing a new policy that you may never discuss 'price' on amateur radio. I would like to leave it that it is best not to discuss price. One of the reasons is that the discussion of price is a fairly identifiable border line. Once you say you can discuss price - then negotiating price on amateur radio could follow. I am not prepared to say that even that is wrong, but it does take amateur radio and turn it into something other than a service of skilled radio operators that are disciplined in the radio art for the purpose of advancing communications. Ham radio becomes cable TV... a local swap-n-shop channel."

When asked if the Private Radio Bureau would be issuing some sort of Public Notice on Swap Net behavior, Kowalski said, "We would like not to. We would like the situation to simmer down to what it was before with its admittedly fudgy guidelines... We don't want to get into any policy making pronouncement on this. ...I don't think that swap nets could win. You could end up with a much great prohibition than anyone would want. I think there is a place in amateur radio for the hobbyist to exchange equipment."

De W5YI, See you in two weeks.